

**REMARKS**

Claims 1-6, 8, 9 and 11-26 are all the claims pending in the application. Claims 25 and 26 have been newly added herewith.

The Office Action includes two sets of rejections for each of the claims. The first set of rejections (A1-A3, below) asserts that Crampton (WO 99/02424) includes a recovery dish or a concave recovery dish. The second set of rejections (B1-B2, below) acknowledges that Crampton does not include a recovery dish, and attempts to correct this deficiency with Rehberger (U.S. Patent No. 2,069,048).

**Claim Rejections**

**A1) Crampton**

Claims 1, 8, 14-18, 23 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Crampton et al. (WO 99/02424). Applicants respectfully traverse.

Claim 1 recites a dispensing piece with a dispensing orifice. The dispensing orifice is formed at a bottom of a concave recovery dish and the concave recovery dish is made in one-piece integral construction with the dispensing piece.

In rejecting claim 1, the Examiner asserts that Crampton spout 8 constitutes the claimed concave recovery dish. However, the Crampton spout 8 simply does not have the structure of a concave dish. Particularly, the spout 8 neither is concave nor is it a dish. The Examiner asserts that the spout 8 is a concave dish, but provides no support for this assertion. For instance, the Examiner does not explain how the spout can be considered a concave dish when it does not have a concave shape nor does he explain how a spout can be a dish. Indeed, in other rejections

the Examiner states that there is an interpretation of Crampton in which it fails to disclose a concave recovery dish. In fact, in any correct interpretation of Crampton, it does not include a concave recovery dish as claimed as there is no evidence or support for an interpretation of Crampton as disclosing a recovery dish.

Accordingly, Applicants submit that claim 1 is allowable over Crampton at least because Crampton lacks a concave dish as claimed. Claim 14 recites a recovery dish and is therefore also allowable over Crampton at least because Crampton fails to disclose a recovery dish. Claims 8, 13-18, 23 and 24 depend from one of claims 1 and 14 and are therefore allowable at least by virtue of their respective dependencies.

**A2) Crampton and Hoyt**

Claims 2-6, 11 and 19-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crampton in view of Hoyt (U.S. Patent No. 4,732,299). Applicant respectfully traverses.

The Examiner acknowledges that Crampton fails to teach side bars as claimed and attempts to correct this deficiency with Hoyt. However, one of ordinary skill in the art would not have been motivated to modify Crampton with Hoyt as suggested by the Examiner. Crampton is directed to a flexible container 1 which substantially conforms to the shape of an outer container 9. The Crampton reference specifically teaches away from rigid and semi-rigid containers, in favor of a flexible container (*see, e.g.*, page 2, lines 4-22). Yet, the Examiner's proposed modification of Crampton with Hoyt to add lugs would add rigidity to the container. Particularly, the addition of the Hoyt lugs 31, 33 would create a rigid wall at one end. One of ordinary skill in the art would not have been motivated to modify Crampton with Hoyt at least

because this addition of rigidity goes against the specific teachings of Crampton. Accordingly, Applicant submits that claims 2-6, 11 and 19-22 are allowable over the combined teachings and suggestions of Crampton and Hoyt.

Claims 2-6 and 11 depend from claim 1. Since Hoyt fails to correct the deficiencies of Crampton with respect to claim 1, claims 2-6 and 11 are also allowable at least by virtue of their dependency.

**A3) Crampton and Provenza**

Claims 9, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crampton in view of Provenza (WO 01/79073). Claims 9, 12 and 13 depend from claim 1. Since Provenza fails to correct the deficiencies of Crampton with respect to claim 1, claims 9, 12 and 13 are allowable at least by virtue of their dependency.

**Claim Rejections - (including Rehberger)**

**B1) Crampton and Rehberger**

Claims 1, 8, 14-18, 23 and 24 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crampton in view of Rehberger (U.S. Patent No. 2,069,048). Applicants respectfully traverse.

As discussed above, Crampton lacks a concave recovery dish as claimed. Apparently acknowledging this shortcoming in Crampton, the Examiner asserts that according to an alternative interpretation of Crampton, it fails to disclose a concave recovery dish. The Examiner attempts to correct this deficiency by modifying Crampton with the Rehberger bowl

15. However, even if it were appropriate to modify Crampton with Rehberger, the combination would still be deficient with respect to the claimed invention.

Claim 1 recites that the concave recovery dish is made in one-piece integral construction with the dispensing piece. The Rehberger bowl 15 (the alleged concave recover dish) is adapted to be secured to a threading of a fluid dispenser. Thus, even if Rehberger could be combined with Crampton, the bowl 15 would be threaded on to the Crampton dispensing piece 8. Because the concave dish 15 would be screwed onto the dispensing piece 8, the it would not be made in one-piece integral construction with the dispensing piece as claimed.

Furthermore, one of ordinary skill in the art would not have modified the bowl 15 and dispensing piece 8 so that they were made of a one-piece integral construction. Rehberger teaches that the bowl serves as both a dish for lather or the like and as a removable closure. Thus, the bowl 15 is designed to either open or close an opening to allow lather to be squeezed into the bowl (*see* page 1, column 2, lines 37-53). Furthermore, Rehberger contemplates the use a conventional cap which is removed to allow for the bowl 15 (*see* page 1, column 1, lines 40-42). Since the bowl 15 is designed to be moveable between positions of opening and closing the container it is mounted on and to allow for a conventional cap, it would not have been modified to be made of a one-piece integral construction with a dispensing piece.

Accordingly, Applicants submit that claim 1 is allowable over the combined teachings and suggestions of Crampton and Rehberger. Claim 14 is also allowable over Crampton and Rehberger at least for reasons similar to those given with respect to claim 1. Claims 8, 13-18, 23

and 24 depend from one of claims 1 and 14 and are therefore allowable at least by virtue of their respective dependencies.

**B2) Crampton, Rehberger and Hoyt**

Claims 2-6, 11 and 19-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crampton and Rehberger in view of Hoyt (U.S. Patent No. 4,732,299). As discussed above, one of ordinary skill in the art would not have been motivated to modify Crampton. Therefore, claims 2-6, 11 and 19-22 are allowable at least because one of ordinary skill in the art would not have combined these references as suggested by the Examiner.

Claims 2-6 and 11 depend from claim 1. Therefore, these claims are also further allowable at least because Hoyt fails to correct the deficiencies of Crampton and Rehberger with respect to claim 1, claims 2-6 and 11.

**B3) Crampton, Rehberger and Provenza**

Claims 9, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crampton and Rehberger in view of Provenza (WO 01/79073). Claims 9, 12 and 13 depend from claim 1. Since Provenza fails to correct the deficiencies of Crampton and Rehberger with respect to claim 1, claims 9, 12 and 13 are allowable at least by virtue of their dependency.

**New Claim**

Applicant has added new claims 25 and 26 in order to provide a more varied scope of protection. Claim 25 depends from claim 19 and claim 26 depends from claim 14. Therefore, claims 25 and 26 are allowable at least by virtue of their dependency.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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**23373**

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